

Notice of Allowability

Application No.

10/050,725

Examiner

Lois Zheng

Applicant(s)

POWELL, SCOTT WADE

Art Unit

1742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 7 August 2006.
2. ☒ The allowed claim(s) is/are 1-4, 6-14 and 16-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Status of Claims

1. Claims 1 and 11 are amended in view of the amendment filed 7 August 2006.

Therefore, claims 1-4, 6-14 and 16-20 remain under examination.

Status of Previous Rejections

2. The declaration under 37 CFR 1.132 filed 7 August 2006 is sufficient to overcome the rejection of claims 1-4, 6, 8-14, 16 and 18-20 based upon Plantes et al. US 4,329,211(Plantes) in view of Operating Instructions Manual, Vortex™ Water Systems, LLC(Vortex™ Operating Manual) and further in view of Allen US 5,571,399(Allen).

The rejections of claims 7 and 17 are also withdrawn since they depend on claims 1 and 11.

Allowable Subject Matter

3. Claims 1-4, 6-14 and 16-20 are allowed.
4. The following is an examiner's statement of reasons for allowance:

The prior art of record does not teach or suggest, either alone or in combination, the claimed apparatus with the claimed structure limitations as recited in claims 1 and 11 in the amendment filed 7 August 2006. More specifically, the prior art of record does not teach or suggest a housing having an upper portion and a lower portion, said upper portion defining a development chamber and said lower portion defining a reaction chamber, a secondary separation chamber integral with said housing and placed adjacent said upper portion, a plurality of reaction plates disposed in said housing and

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extending substantially vertical within said reaction chamber, said plurality of reaction plates being spaced apart from one another creating gaps extending continuously between adjacent reaction plates, a plurality of reaction plate tabs attached to respective selected ones of said plurality of consumable reaction plates, wherein at least three of said reaction plate tabs having a second end that extends through the lower portion of said housing, and a DC power source providing voltage to at least two, but less than all, of the said reaction plate tabs.

Prior art of record teaches reaction plate tabs extend through the top portion of the housing. Other prior art such as Mehl US 3,340,175 teaches that the reaction plate tabs(i.e. connections to the power source) extend from the side of the housing. However, there is no teaching or motivation in the prior art to rearrange the position of the reaction plate tabs to the claimed location, which extends through the lower portion of the housing. Furthermore, applicant had discloses the advantages of having the reaction tabs extending through the bottom of the housing. The advantages include the ability to stack the development chamber directly above the reaction chamber for a simpler and more compact setup and the lengthening of the life spend of the reaction plate tabs by avoiding caustic conditions as described on page 36 of the specification.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lois Zheng whose telephone number is (571) 272-1248. The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LLZ


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SUPERVISORY PATENT EXAMINER
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